THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P. NO. 7371 of 2006

Dated: 01-03-2007

Between:-

B.Mohan Rao s/o Rama KrishnaRao, aged 44 years, ProgrammeOfficer,Jana Shikshan Sansthan, Kakinada, East Godavari District.

…Petitioner

And

The Union of India, Ministry of Human Resource Development Department of Elementary Education & Literacy, Directorate of Adult Education, 10, Jam Nagar house, Shajahan Road, New Delhi and two others.

…Respondents.

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O R D E R

The writ petition is filed seeking Certiorari to call for the records relating to the issuance of the charge-sheet and suspension order, dated 04-04-2006, on the file of the 2nd respondent and quash the same as arbitrary, illegal and malafide and consequently to direct the second respondent to appoint the petitioner as the Director of Jan Shikshan Sansthan, Kakinada.

Under the impugned proceedings, dated 04-04-2006, the petitioner was placed under suspension and certain charges were framed against him. The main ground of attack is that the Chairman has no power or authority to suspend the petitioner and issue charge-sheet.

Now a counter is filed conceding that the Chairman has no power to suspend, being an appellate authority.

In view of the above, the impugned order is set aside. However, this will not preclude the competent authority from suspending the petitioner and issuing fresh charge sheet.

The writ petition is allowed to the extent indicated above.

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C.V.

RAMULU, J.
Dated: 01-03-2007

Vp/skmr